

REMARKS

Applicant is in receipt of the Office Action mailed January 13, 2005. Claims 2, 13-19, 21, 30-33, and 35 have been cancelled. Claims 1, 3-6, 8, 9, 11, 20, 22-26, 28, and 34 were amended. New claims 36-47 were added. Thus, claims 1, 3-12, 20, 22-29, 34, and 36-47 remain pending in the case. Reconsideration of the present case is earnestly requested in light of the following remarks.

Section 102 Rejections

The Office Action rejected claims 1-9, 20-26, and 34 under 35 U.S.C. 102(b) as being anticipated by Thomsen et al. (USP 5,987,246, "Thomsen"). Applicant respectfully traverses the rejection.

Amended claim 1 recites:

1. A method for configuring a node in a graphical program, the method comprising:

displaying the node in the graphical program, wherein a plurality of possible input terminals and/or a plurality of possible output terminals are associated with the node;

receiving user input specifying configuration information for the node;

automatically displaying one or more input terminals of the plurality of possible input terminals and/or one or more output terminals of the plurality of possible output terminals for the node, based on the configuration information, wherein said displaying one or more input terminals for the node comprises displaying only a subset of the plurality of possible input terminals, and wherein said displaying one or more output terminals for the node comprises displaying only a subset of the plurality of possible output terminals; and

performing at least one of:

connecting an input terminal of the one or more input terminals of the node to a data source in the graphical program, in response to user input; and

connecting an output terminal of the one or more output terminals of the node to a data target in the graphical program, in response to user input.

As the Examiner is certainly aware, anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant notes that Thomsen's nodes have predefined terminals that are not described as selectable and displayable from a set of possible terminals based on configuration information. For example, Applicant can find no description of "automatically displaying one or more input terminals of the plurality of possible input terminals and/or one or more output terminals of the plurality of possible output terminals for the node, based on the configuration information, wherein said displaying one or more input terminals for the node comprises displaying only a subset of the plurality of possible input terminals, and wherein said displaying one or more output terminals for the node comprises displaying only a subset of the plurality of possible output terminals", with respect to the 3D nodes of Thomsen, i.e., in the descriptions of Figures 8-11.

Moreover, as discussed with the Examiner in the telephone interview of March 2, 2005, summarized above, the figures illustrating the 3D nodes of Thomsen are high-level representations, and the terminals shown on these 3D nodes are not intended to be taken as entirely technically accurate, e.g., terminals not used on each 3D node were not displayed in the figures; however, this omission was for brevity and simplicity only, i.e., no means were described to suppress or omit the display of the unused terminals, and such functionality (not displaying terminals that are not used) is not described as, or considered part of, Thomsen's disclosed invention.

Thus, for at least the reasons provided above, Applicant submits that Thomsen fails to teach or suggest all the limitations and features of independent claim 1.

Thus, Applicant respectfully submits that claims 1, 20, and 34, and those claims respectively dependent therefrom, are patentably distinct and non-obvious over Thomsen, and are thus allowable. Removal of the 102(b) rejection is respectfully requested.

Section 103 Rejections

The Office Action rejected claim 13 under 35 U.S.C. 103(a) as being unpatentable over Thomsen and Kodosky et al (“Kodosky” USP 5,301,301). Applicant notes that claim 13 and its dependents have been cancelled, and so the rejection is rendered moot.

The Office Action rejected claims 10-12, 14-19, 27-33, and 35 under 35 U.S.C. 103(a) as being unpatentable over Thomsen and Jordan et al (“Jordan” USP 5,155,836). Applicant notes that claims 14-19, 30-33, and 35 have been cancelled, and so their rejections are rendered moot.

Regarding claims 10-12 and 27-29, Applicant notes that if an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), and submits that since these claims depend from amended claims 1 and 20, respectively, which have both been shown above to be patentably distinct and non-obvious, claims 10-12 and 27-29 are similarly patentably distinct and non-obvious over the cited art. Removal of the 103 rejection of these claims is respectfully requested.

New claims 36-47 depend from claim 34, which has shown above to be allowable, and so Applicant respectfully submits that these claims are also allowable, for at least the reasons provided above.

Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-48500/JCH.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

Respectfully submitted,



Jeffrey C. Hood
Reg. No. 35,198
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert & Goetzel PC
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800
Date: 4/4/2005 JCH/MSW